

3. Remarks.

Claims 25, 26, 39, 44, and 45 have been canceled without prejudice or disclaimer and claims 7 and 30 have been amended.

Applicant respectfully requests further examination and reconsideration of claims 7-24, 27-38 and 40-43, and 46, now pending in the application.

The last Office action mailed from the Patent Office on September 22, 2005 has been carefully considered and indicates that:

- the drawings are objected to under *37 CFR § 1.83(a)*;
- the disclosure is objected to;
- claim 7 is objected to;
- claim 30 is objected to;
- claims 30-33, 38-40, 43, 44, and 46 are objected to;
- claims 35 and 39 are rejected under *35 U.S.C. § 112, second paragraph*, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- claims 7-9, 11-15, 17, 18, 21, 23-26, 29, 30, 34-40, and 46 are rejected under *35 U.S.C. § 102(b)* as being anticipated by Hoffman *et al.*;
- claims 25 and 26 are rejected under *35 U.S.C. § 103(a)* as being unpatentable over Hoffman *et al.* in view of Bentzen;
- claims 40 and 41 are rejected under *35 U.S.C. § 103(a)* as being unpatentable over Hoffman *et al.* in view of Celik; and
- claims 10, 16, 19, 20, 22, 27, 28, 31-33, and 41-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A. the Examiner's Objection to the Drawings under *37 CFR § 1.83(a)*.

In response to the Examiner's objection to the drawings under *37 CFR § 1.83(a)*, Mignano has canceled claims 25, 26, 44, and 45 without prejudice or disclaimer, as required by the Examiner.

In view of the cancellation of claims 25, 26, 44, and 45 without prejudice or disclaimer, Mignano respectfully submits that the Examiner's grounds for the objection to the drawings under *37 CFR § 1.83(a)* are no longer applicable and Mignano therefore respectfully requests that the Examiner withdraw this objection.

B. the Examiner's Objection to the Disclosure.

In response to the Examiner's objection to the disclosure, the Examiner during the telephonic interview conducted on October 19, 2005 has so graciously offered to amend the disclosure by Examiner's amendment to overcome the objection, for which Mignano is gratefully appreciative.

In view of the Examiner's gracious offer to amend the disclosure by Examiner's amendment, Mignano respectfully submits that the Examiner's grounds for the objection to the disclosure are no longer applicable and Mignano therefore respectfully requests that the Examiner withdraw this objection.

C. the Examiner's Objection to Claim 7.

In response to the Examiner's objection to claim 7, Mignano has amended claim 7, line 6, to change "**as**" to **--has--**, as so graciously suggested by and required by the Examiner.

In view of the amendment made to claim 7, line 6, to change "**as**" to **--has--**, Mignano respectfully submits that the Examiner's grounds for the objection to claim 7 are no longer applicable and Mignano therefore respectfully requests that the Examiner withdraw this objection.

D. the Examiner's Objection to Claim 30.

In response to the Examiner's objection to claim 30, Mignano has amended claim 30, line 2, to change "**detachable**" to **--detachably--**, as so graciously suggested by and required by the Examiner.

In view of the amendment made to claim 30, line 2, to change "**detachable**" to **--detachably--**, Mignano respectfully submits that the Examiner's grounds for the objection

to claim 30 are no longer applicable and Mignano therefore respectfully requests that the Examiner withdraw this objection.

E. the Examiner's Objection to Claims 30-33, 38-40, 43, 44, and 44.

In response to the Examiner's objection to claims 30-33, 38-40, 43, 44, and 44, Mignano has amended line 1 of each of claims 30-33, 38-40, 43, 44, and 44, to change "1" to --7--, as so graciously suggested by and required by the Examiner.

In view of the amendment made to line 1 of each of claims 30-33, 38-40, 43, 44, and 44, to change "1" to --7--, Mignano respectfully submits that the Examiner's grounds for the objection to claims 30-33, 38-40, 43, 44, and 44 are no longer applicable and Mignano therefore respectfully requests that the Examiner withdraw this objection.

F. the Examiner's Rejection of Claims 35 and 39 under 35 U.S.C. § 112, Second Paragraph, as Being Indefinite for Failing to Particularly Point out and Distinctly Claim the Subject Matter Which Applicant Regards as the Invention.

In response to the Examiner's rejection of claims 35 and 39 under 35 U.S.C. § 112, *second paragraph*, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, Mignano:

- respectfully submits that regarding claim 25 that an "accordion pocket" is known in the art as a pocket having at its sides folds or pleats so as to allow the pocket to extend, yet also fold flat. This is confirmed in the Random House Dictionary where "accordion" is defined as "having evenly spaced, parallel folds like the bellows of an accordion: accordion pleats"; and
- has canceled claim 39 without prejudice or disclaimer.

In view of the argument presented and the cancellation of claim 39 without prejudice or disclaimer, Mignano respectfully submits that the Examiner's grounds for the rejection of claims 35 and 39 under 35 U.S.C. § 112, *second paragraph*, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention are no longer applicable and Mignano therefore respectfully requests that the Examiner withdraw this rejection.

G. the Examiner's Rejection of Claims 7-9, 11-15, 17, 18, 21, 23-26, 29, 30, 34-40, and 46 Under 35 U.S.C. § 102(b) as Being Anticipated by Hoffman *et al.*, the Examiner's Rejection of Claims 25 and 26 under 35 U.S.C. § 103(a) as Being Unpatentable over Hoffman *et al.* in View of Bentzen, the Examiner's Rejection of Claims 40 and 41 under 35 U.S.C. § 103(a) as Being Unpatentable over Hoffman *et al.* in View of Celik, and the Examiner's Objection to Claims 10, 16, 19, 20, 22, 27, 28, 31-33, and 41-45 as Being Dependent upon a Rejected Base Claim, but Would Be Allowable If Rewritten in Independent Form Including All of the Limitations of the Base Claim and Any Intervening Claims.

In response to the Examiner's rejection of claims 7-9, 11-15, 17, 18, 21, 23-26, 29, 30, 34-40, and 46 under 35 U.S.C. § 102(b) as being anticipated by Hoffman *et al.*, the Examiner's rejection of claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Hoffman *et al.* in view of Bentzen, the Examiner's rejection of claims 40 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Hoffman *et al.* in view of Celik, and the Examiner's objection to claims 10, 16, 19, 20, 22, 27, 28, 31-33, and 41-45 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, Mignano expresses his sincere appreciation for the Examiner's gracious indication of the allowable subject matter of claims 10, 16, 19, 20, 22, 27, 28, 31-33, and 41-45, and, his gracious granting of a telephonic interview conducted on October 19, 2005, during which the "Examiner agreed to allow Mr. Hoffman to fax an informal draft of his version of amended claims so Examiner could better understand Mr. Hoffman's proposal * * *."¹ Thus, Mignano's representative prepared and faxed to the Examiner "Daniel Mignano's Proposed Amended Claim 7s" including four amended versions of claim 7. The Examiner called back and advised that the fourth version — the version claim 7 has currently been substantially amended to — clearly defines over Hoffman *et al.* since it


¹ Interview Summary, November 2, 2005, page 4, lines 14-16.

“focus[es] on claiming the fact that [Mignano’s] hunting blind is connected at more than one surface of the pack, which would clearly define over Hoffman *et al.*”²

In view of the above, Mignano respectfully submits that the Examiner’s grounds for the rejection of claims 7-9, 11-15, 17, 18, 21, 23-26, 29, 30, 34-40, and 46 under 35 U.S.C. § 102(b) as being anticipated by Hoffman *et al.*, the Examiner’s grounds for the rejection of claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Hoffman *et al.* in view of Bentzen, the Examiner’s grounds for the rejection of claims 40 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Hoffman *et al.* in view of Celik, and the Examiner’s grounds for the objection to claims 10, 16, 19, 20, 22, 27, 28, 31-33, and 41-45 as being dependent upon a rejected base claim are no longer applicable and Mignano therefore respectfully requests that the Examiner withdraw these rejections and this objection.

Respectfully,

Date: 11-17-05

By: 
Bernard S. Hoffman for Daniel Mignano
USPTO Reg. 30,756
460 Old Town Road, Suite 7F
Port Jefferson Station, New York 11776
Voice & Fax: (631) 331-8883
Cell: (631) 721-7186
e-mail: bshpatents@optonline.net

² *id.* at page 4, lines 14-15.